

HOUSE BILL No. 1348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-1-14-1; IC 6-1.1; IC 8-14-9-10; IC 20-26-7-17; IC 20-46-7; IC 36-1-15-3; IC 36-7-29-16; IC 36-9-15-10.

Synopsis: Review of total debt and lease burden on taxpayer. Eliminates department of local government finance review of capital projects that will cost a political subdivision \$7,000,000 or less. Requires a county board of tax and capital projects review (county board) to review all capital projects, including capital projects that will be paid from revenues other than property taxes. Requires a political subdivision to: (1) include an estimate of the tax impact of proposed capital projects in a capital project plan; and (2) provide tax impact information in notices related to a proposed capital project. Requires a county board to consider the impact of a proposed capital project on tax rates. Prohibits a county board from approving a capital project that, when added to all other debt obligations issued by all political subdivisions, could result in a combined property tax and special benefits tax rate of \$0.70 or more per \$100 of assessed valuation in any taxing district.

Effective: July 1, 2008; January 1, 2009.

Noe

January 16, 2008, read first time and referred to Committee on Ways and Means.

C
o
p
y



Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1348

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-1-14-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) Any bonds, notes, or
3 warrants, whether payable from property taxes, revenues, or any other
4 source, are not subject to the maximum interest rate limitations
5 contained in any law enacted before December 31, 1982, if they are
6 issued by or in the name of any entity named in IC 5-1-1-1.

7 (b) After July 1, 1979, any bond, coupon, certificate of
8 indebtedness, or installment payment payable by a city, town, or
9 property holder for public improvements under the Barrett Law is not
10 subject to any maximum interest rate limitation. This subsection does
11 not apply to interest rates or penalties on delinquencies provided under
12 the Barrett Law.

13 ~~(c) This section does not limit an interest rate review conducted by~~
14 ~~the department of local government finance under IC 6-1.1-20-7.~~

15 SECTION 2. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9.7. (a) The ad
17 valorem property tax levy limits imposed by section 3 of this chapter

2008

IN 1348—LS 6841/DI 51+



C
o
p
y

do not apply to ad valorem property taxes imposed under any of the following:

- (1) IC 12-16, except IC 12-16-1.
- (2) IC 12-19-5.
- (3) IC 12-19-7.
- (4) IC 12-19-7.5.
- (5) IC 12-20-24.

(b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a county's or township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under the citations listed in subsection (a).

~~(c) Section 8(b) of this chapter does not apply to bonded indebtedness that will be repaid through property taxes imposed under IC 12-19.~~

SECTION 3. IC 6-1.1-20-1.1, AS AMENDED BY P.L.2-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1.1. (a) As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

- (A) debt service; or
- (B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than two million dollars (\$2,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(b) The term includes any capital project (as defined in IC 6-1.1-29.5-1) for which a petition and remonstrance process is initiated under section 3.4 of this chapter.

C
o
p
y



SECTION 4. IC 6-1.1-20-1.3, AS AMENDED BY P.L.2-2006, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1.3. As used in this chapter, "lease" means a lease by a political subdivision of any:

(1) controlled project with lease rentals payable from property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or IC 20-45-3; or

(2) **capital project (as defined in IC 6-1.1-29.5-1) for which a petition and remonstrance process is initiated under section 3.4 of this chapter.**

SECTION 5. IC 6-1.1-20-3.2, AS AMENDED BY P.L.219-2007, SECTION 61, AND AS AMENDED BY P.L.224-2007, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3.2. If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in section 3.1(1)(B) of this chapter.

A notice under this subdivision must include a statement that any owners of real property *within the political subdivision or registered voters residing* within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

(A) petitions (described in subdivision (3)) in favor of the bonds or lease; and

(B) remonstrances (described in subdivision (3)) against the bonds or lease;

may be filed by an owner or owners of real property *within the political subdivision or a registered voter residing* within the political subdivision. Each signature on a petition must be dated and the date of signature may not be before the date on which the

C
o
p
y



petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county ~~auditor~~ voter registration office under subdivision (4). (3) The state board of accounts shall design and, upon request by the county ~~auditor~~, voter registration office, deliver to the county ~~auditor~~ voter registration office or the county ~~auditor's~~ voter registration office's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county ~~auditor~~ voter registration office shall issue to an owner or owners of real property *within the political subdivision or a registered voter residing within the political subdivision* the number of petition or remonstrance forms requested by the owner or owners *or the registered voter*. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property *or registered voters*;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;

(D) govern the closing date for the petition and remonstrance period; and

(E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may ~~not~~ be required to identify themselves *as owners of real property or registered voters* and may be allowed to pick up additional copies to distribute to other property owners *or registered voters*. *Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of real property within the political subdivision. A person who signs a petition or remonstrance as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition or remonstrance as a real property owner must indicate the address of the real property owned by the person in the political subdivision.* The county ~~auditor~~ voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county ~~auditor~~ voter

C
o
p
y



1 registration office shall certify the date of issuance on each
 2 petition or remonstrance form that is distributed under this
 3 subdivision.

4 (4) The petitions and remonstrances must be verified in the
 5 manner prescribed by the state board of accounts and filed with
 6 the county ~~auditor~~ voter registration office within the sixty (60)
 7 day period described in subdivision (2) in the manner set forth in
 8 section 3.1 of this chapter relating to requests for a petition and
 9 remonstrance process.

10 (5) *The county voter registration office shall determine whether*
 11 *each person who signed the petition or remonstrance is a*
 12 *registered voter. The county voter registration office shall not*
 13 *more than fifteen (15) business days after receiving a petition or*
 14 *remonstrance forward a copy of the petition or remonstrance to*
 15 *the county auditor. Not more than ten (10) business days after*
 16 *receiving the copy of the petition or remonstrance, the county*
 17 *auditor shall provide to the county voter registration office a*
 18 *statement verifying:*

19 (A) *whether a person who signed the petition or remonstrance*
 20 *as a registered voter but is not a registered voter, as*
 21 *determined by the county voter registration office, is the*
 22 *owner of real property in the political subdivision; and*

23 (B) *whether a person who signed the petition or remonstrance*
 24 *as an owner of real property within the political subdivision*
 25 *does in fact own real property within the political subdivision.*

26 (6) *The county voter registration office shall not more than ten*
 27 *(10) business days after receiving the statement from the county*
 28 *auditor under subdivision (5) make the final determination of:*

29 (A) *the number of registered voters in the political subdivision*
 30 *that signed a petition and, based on the statement provided by*
 31 *the county auditor, the number of owners of real property*
 32 *within the political subdivision that signed a petition; and*

33 (B) *the number of registered voters in the political subdivision*
 34 *that signed a remonstrance and, based on the statement*
 35 *provided by the county auditor, the number of owners of real*
 36 *property within the political subdivision that signed a*
 37 *remonstrance.*

38 *Whenever the name of an individual who signs a petition or*
 39 *remonstrance as a registered voter contains a minor variation*
 40 *from the name of the registered voter as set forth in the records*
 41 *of the county voter registration office, the signature is presumed*
 42 *to be valid, and there is a presumption that the individual is*

C
o
p
y



entitled to sign the petition or remonstrance under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition or remonstrance only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition or remonstrance is presented to the county voter registration office within thirty-five (35) days before an election, the county voter registration office may defer acting on the petition or remonstrance, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

~~(5)~~ (7) The county ~~auditor~~ voter registration office must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases within ~~fifteen (15)~~ thirty-five (35) business days of the filing of a petition or remonstrance under subdivision (4), whichever applies, containing ten thousand (10,000) signatures or less. The county ~~auditor~~ voter registration office may take an additional five (5) days to review and certify the petition or remonstrance for each additional five thousand (5,000) signatures up to a maximum of sixty (60) days. The certificate must state the number of petitioners and remonstrators that are owners of real property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

~~(6)~~ (8) If a greater number of persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The proper officers of the political subdivision may not make a

C
o
p
y



preliminary determination to issue bonds or enter into a lease for the controlled project defeated by the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county ~~auditor's~~ voter registration office's certificate under subdivision ~~(5)~~ (7). Withdrawal of a petition carries the same consequences as a defeat of the petition.

~~(7)~~ (9) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the ~~department of local government finance~~ *if required by:*

(A) ~~IC 6-1.1-18.5-8~~; or

(B) ~~IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.~~

county board of tax and capital projects review.

SECTION 6. IC 6-1.1-20-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3.3. Notwithstanding any other law, a political subdivision may issue or enter into obligations under any statute that requires or permits the imposition of property taxes to pay debt service or lease rentals without pledging to impose property taxes, if necessary, to pay the debt service or lease rentals. If the proper officers of a political subdivision determine to use revenues other than property taxes to pay obligations without pledging to impose property taxes for that purpose, provisions of any other statute relating to controlling property taxes **(except IC 6-1.1-29.5 and this chapter, if a political subdivision initiates a petition and remonstrance process under section 3.4 of this chapter)** do not apply to the issuance of or entering into the obligations.

SECTION 7. IC 6-1.1-20-5, AS AMENDED BY P.L.224-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. ~~(a)~~ When the proper officers of a political subdivision decide to issue bonds in a total amount which exceeds five thousand dollars (\$5,000), they shall give notice of the decision by:

(1) posting; and

(2) publication once each week for two (2) weeks.

The notice required by this section shall be posted in three (3) public places in the political subdivision and published in accordance with

C
o
p
y



IC 5-3-1-4. The decision to issue bonds may be a preliminary decision.

(b) This subsection does not apply to bonds issued for a controlled project approved after December 31, 2008, by a county board of tax and capital projects review under IC 6-1.1-29.5. Ten (10) or more taxpayers who will be affected by the proposed issuance of the bonds and who wish to object to the issuance on the grounds that it is unnecessary or excessive may file a petition in the office of the auditor of the county in which the political subdivision is located. The petition must be filed within fifteen (15) days after the notice required by subsection (a) is given, and it must contain the objections of the taxpayers and facts which show that the proposed issue is unnecessary or excessive. When taxpayers file a petition in the manner prescribed in this subsection, the county auditor shall immediately forward a certified copy of the petition and any other relevant information to the department of local government finance.

SECTION 8. IC 6-1.1-29.5-0.5, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 0.5. This chapter applies only to a **all** capital project that meets both of the following conditions:

- (1) The capital project is a controlled project (as defined in IC 6-1.1-20-1.1), except as provided in subdivision (2);
- (2) Notwithstanding IC 6-1.1-20-1.1(2), the capital project will cost the political subdivision more than seven million dollars (\$7,000,000).

projects that a political subdivision or another body corporate and politic reasonably expects to pay for or finance in any part from revenues raised from property taxes, special benefit taxes, or taxes imposed under IC 6-3.5, IC 6-6-9.5, IC 6-6-9.7, or IC 6-9.

SECTION 9. IC 6-1.1-29.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 1.5. As used in this chapter, "debt service obligations payable from assessments on property" refers to:**

- (1) the principal and interest payable during a calendar year on bonds; and**
- (2) lease rental payments payable during a calendar year on leases;**

of a political subdivision that are payable from ad valorem property taxes or special benefit taxes.

SECTION 10. IC 6-1.1-29.5-6, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. (a) The department of local government

**C
o
p
y**



1 finance shall by rule prescribe the format of a capital projects plan. A
 2 capital projects plan must apply to at least the five (5) years
 3 immediately following the year the capital projects plan is adopted and
 4 must include the following components for each year covered by the
 5 capital projects plan:

- 6 (1) A general description of the political subdivision.
- 7 (2) A description of facilities owned by the political subdivision
 8 and the use of the facilities.
- 9 (3) The location and general description of each proposed capital
 10 project and the intended use of each proposed capital project.
- 11 (4) The estimated total cost of each proposed capital project.

12 **(5) The estimated impact that:**

13 **(A) each proposed capital project; and**

14 **(B) all proposed capital projects, in the aggregate;**
 15 **will have on tax rates.**

16 **(6) A schedule of the estimated aggregate tax impact of all**
 17 **debt and lease obligations for capital projects that the**
 18 **political subdivision has previously incurred for each year**
 19 **over the term that payments will be made to pay for the**
 20 **capital projects or to pay debt and lease obligations related to**
 21 **the capital project.**

22 ~~(5)~~ (7) Identification of all sources of funds expected to be used
 23 for each proposed capital project.

24 ~~(6)~~ (8) The planning, development, and construction schedule of
 25 each proposed capital project.

26 ~~(7)~~ (9) Any other element required by the department of local
 27 government finance.

28 (b) The department of local government finance shall by rule
 29 establish a procedure for amendment of a capital projects plan in the
 30 case of an emergency.

31 SECTION 11. IC 6-1.1-29.5-11, AS ADDED BY P.L.224-2007,
 32 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2009]: Sec. 11. (a) Before the fiscal body of a political
 34 subdivision may submit a capital project described in section 10 of this
 35 chapter to the review board, the fiscal body shall:

- 36 (1) hold a public hearing on the proposed capital project; and
- 37 (2) prepare a feasibility study that supports the scope and cost of
 38 the proposed capital project.

39 Before a public hearing on a proposed capital project is held by the
 40 fiscal body of a political subdivision under this section, the fiscal body
 41 shall publish a description of the proposed capital project and a notice
 42 of the hearing in accordance with IC 5-3-1-2(b).

C
O
P
Y



(b) The hearing notice published under subsection (a) must:

(1) indicate that the proposed capital project is part of the political subdivision's capital project plan;

(2) indicate where the capital projects plan can be obtained; and

(3) provide schedules describing the estimated impact that the particular proposed project and the estimated aggregate impact that all capital projects covered by the political subdivision's capital project plans will have on tax rates over the term that payments will be made to pay for the capital projects or repay debt service obligations related to the capital project.

(c) The fiscal body of a political subdivision may consider multiple capital projects at a public hearing held under this section.

(d) When the fiscal body of a political subdivision holds a public hearing under this section, the fiscal body shall allow any person an opportunity to be heard in the presence of others who are present to testify with respect to the proposed capital project. However, the fiscal body may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.

(e) After holding a public hearing under this section and considering all information submitted by persons testifying at the hearing, the fiscal body of a political subdivision may adopt an ordinance or resolution requesting approval of the proposed capital project by the review board. The fiscal body shall immediately transmit a copy of the ordinance or resolution to the review board. If the political subdivision contains territory in more than one (1) county, the fiscal body shall transmit a copy of the ordinance or resolution to the review board of each of those counties.

SECTION 12. IC 6-1.1-29.5-13, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) After considering all information submitted at the hearing under section 12 of this chapter by the fiscal body of the political subdivision and by persons testifying at the hearing, the review board may approve or disapprove a proposed capital project. The review board may consider the following factors when reviewing a proposed capital project:

(1) The age, condition, and adequacy of existing facilities.

(2) The cost per square foot of the proposed capital project.

(3) The estimated impact that the proposed capital project would have on tax rates.

(4) The estimated aggregate impact that all proposed capital

C
o
p
y



1 **projects would have on tax rates.**

2 ~~(3)~~ (5) The relative priority the proposed capital project should
3 have among other capital projects proposed within the county.

4 ~~(4)~~ (6) The estimated impact the proposed capital project would
5 have on tax rates.

6 ~~(5)~~ (7) Any other factors considered pertinent by the review
7 board.

8 **(b) The review board may not approve a proposed capital**
9 **project for which a political subdivision reasonably expects to**
10 **enter into debt service obligations payable from assessments on**
11 **property if the resulting combined property tax and special benefit**
12 **tax rate for the proposed debt service obligations and all debt**
13 **service obligations payable from assessments on property in any**
14 **taxing district that includes the political subdivision would be**
15 **seventy cents (\$0.70) or more in any year over the term of the**
16 **proposed debt service obligations under the following method of**
17 **calculation:**

18 **(1) The total payable for the proposed debt service obligations**
19 **for the capital project is amortized in equal semi-annual**
20 **installments over the term of the proposed debt service**
21 **obligations.**

22 **(2) The combined property tax and special benefit rate is**
23 **based on the assessed value of the taxable property in the**
24 **taxing district, as determined for the last assessment date that**
25 **precedes the public hearing at which the review board**
26 **considers the proposed capital project by at least ninety (90)**
27 **days, beginning in the year immediately following the year the**
28 **capital project is first placed in service.**

29 ~~(b)~~ (c) A review board may not disapprove a proposed capital
30 project that is required by a court order.

31 ~~(c)~~ (d) If a review board does not issue a decision with respect to a
32 proposed capital project within ninety (90) days after the review board's
33 receipt of the plan of the capital project under section 11 of this
34 chapter, the capital project is considered approved by the review board
35 as submitted.

36 ~~(d)~~ (e) If a proposed capital project is submitted to the review boards
37 of two (2) or more counties as required by section 10(b) of this chapter
38 and the project is disapproved by any of the review boards, the project
39 is considered to be disapproved.

40 ~~(e)~~ (f) All orders of the review board under this section shall be filed
41 with the affected political subdivision and with the department of local
42 government finance.

C
o
p
y



SECTION 13. IC 6-1.1-29.5-14, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. If the review board disapproves a capital project under section 13 of this chapter, the political subdivision that proposed the project may take any action under section 10(a)(2) of this chapter with regard to the capital project if:

(1) not more than sixty (60) days after the review board's disapproval, the political subdivision initiates ~~the~~ a petition and remonstrance process under IC 6-1.1-20-3.4; and

(2) the capital project is approved in the petition and remonstrance process under IC 6-1.1-20.

SECTION 14. IC 6-1.1-37-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. An officer of state or local government who recklessly violates or fails to perform a duty imposed on ~~him~~ **the officer** under:

(1) IC 6-1.1-10-1(b);

(2) IC 6-1.1-12-6;

(3) IC 6-1.1-12-7;

(4) IC 6-1.1-12-8 (**repealed**);

(5) IC 6-1.1-17-1;

(6) IC 6-1.1-17-3(a);

(7) IC 6-1.1-17-5(d)(1);

(8) IC 6-1.1-18-1;

(9) IC 6-1.1-18-5;

(10) IC 6-1.1-18-6;

(11) IC 6-1.1-20-5;

~~(12) IC 6-1.1-20-6;~~

~~(13) IC 6-1.1-20-7;~~

~~(14)~~ **(12)** IC 6-1.1-30-14; or

~~(15)~~ **(13)** IC 6-1.1-36-13;

commits a Class A misdemeanor. In addition, the officer is liable for the damages sustained by a person as a result of the officer's violation of the provision or the officer's failure to perform the duty.

SECTION 15. IC 8-14-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) Subject to the limitations imposed by this section, the local county road and bridge board may issue bonds in the name of the qualified county for the benefit of the local county road and bridge district. The bonds shall be issued for the purpose of raising money to acquire lands or rights-of-way, and to pay for any capital improvement, necessary for the construction, reconstruction, or operation of roads or bridges, or both, within the district. The local county road and bridge board may

C
o
p
y



appropriate the proceeds of the bonds.

(b) The amount of bonds to be issued may not exceed the estimated cost of:

- (1) all lands and rights-of-way to be acquired;
- (2) capital improvements;
- (3) supervision and inspection fees during the period of construction or reconstruction;
- (4) programming, planning, and designing the capital improvements; and
- (5) all necessary expenses, including publication of notices, engineering fees, architectural fees, and legal fees, incurred in acquiring property, letting contracts, and selling bonds for the project.

The amount of bonds issued for the project may not exceed the estimated cost determined under section 5(b) of this chapter. In addition, the amount of outstanding bonds issued by a county under this chapter may not exceed two percent (2%) of the adjusted value of taxable property located within the local county road and bridge district as determined under IC 36-1-15.

(c) The local county road and bridge board may issue bonds under this chapter only if the issuance of those bonds has been approved by ~~(1) the county council of the qualified county. and~~
~~(2) the department of local government finance as required by IC 6-1.1-18.5-8.~~

(d) A local county road and bridge board may issue bonds under this chapter only if:

- (1) the county motor vehicle excise surtax (IC 6-3.5-4) and the county wheel tax (IC 6-3.5-5) are in effect in the county in which the local county road and bridge district is located;
- (2) the county motor vehicle excise surtax is being imposed at the maximum allowable rate; and
- (3) the county in which the local county road and bridge district is located has not obtained a loan under IC 8-14-8.

(e) No bonds may be issued under this section after June 30, 1984.

SECTION 16. IC 20-26-7-17, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 17. (a) A school corporation may:

- (1) purchase buildings or lands, or both, for school purposes; and
- (2) improve the buildings or lands, or both.

(b) An existing building, other than a building obtained under IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of suitable surplus government buildings, may not be purchased for use

C
o
p
y



as a school building unless the building was originally constructed for use by the school corporation and used for that purpose for at least five (5) years preceding the acquisition as provided in this section through section 19 of this chapter.

(c) Notwithstanding this section through section 19 of this chapter limiting the purchase of school buildings, a school corporation may:

(1) purchase suitable buildings or lands, or both, adjacent to school property for school purposes; and

(2) improve the buildings or lands, or both, after giving notice to the taxpayers of the intention of the school corporation to purchase.

~~The taxpayers of the school corporation have the same right of appeal to the department of local government finance under the same procedure as provided for in IC 6-1.1-20-5 through IC 6-1.1-20-6.~~

SECTION 17. IC 36-1-15-3, AS AMENDED BY P.L.2-2006, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The department of local government finance shall compute, in conjunction with the approvals required under

~~(1) IC 6-1.1-18-5-8(b); and~~

~~(2) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10;~~

IC 6-1.1-29.5, an adjusted value of the taxable property within each political subdivision. The department of local government finance may request a certification of net assessed valuation from the county auditor in order to make a calculation under this section.

SECTION 18. IC 36-7-29-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 16. (a) District bonds may be issued by a board under this chapter without following any procedures set forth in any other statute except that the board must:

(1) adopt a bond resolution after a public hearing following public notice of the hearing published in accordance with IC 5-3-1;

(2) publish notice of the determination to issue district bonds in accordance with IC 6-1.1-20-5; **and**

(3) obtain the approval for the appropriation of the proceeds of the district bonds as set forth in IC 6-1.1-18-5 if the appropriation is an additional appropriation. ~~and~~

~~(4) obtain the approval of the department of local government finance for a tax levy under IC 6-1.1-18-5-8.~~

(b) The bond resolution must contain a finding that substance removal or remedial action at the qualified site will be of public utility and benefit because the conditions at the qualified site are detrimental to the social and economic interests of the district.

C
o
p
y



SECTION 19. IC 36-9-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) The county fiscal body may establish a debt service fund for the payment of:

(1) a debt or other obligation arising out of money borrowed or advanced for a jail that it purchases from the proceeds of a bond issue for capital construction under IC 36-2-6-18; or

(2) a lease to provide capital construction under IC 36-1-10.

(b) The county fiscal body shall levy a tax each year in an amount sufficient to pay all debt service obligations for jails for that year.

~~IC 6-1.1-18.5-8 applies to such a tax levy.~~

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 6-1.1-18.5-8; IC 6-1.1-20-6; IC 6-1.1-20-7; IC 20-46-7-8; IC 20-46-7-9; IC 20-46-7-10; IC 20-46-7-11; IC 20-46-7-14.

SECTION 21. [EFFECTIVE JULY 1, 2008] **This act does not apply to any of the following:**

(1) **The issuance of bonds or other obligations or the entering into a lease, if the preliminary determination to issue the bonds or other obligations or to enter into the lease is made before January 1, 2009.**

(2) **The construction of a capital project, if the construction begins before January 1, 2009.**

(3) **The entering into a contract for the construction of a capital project, if the contract is entered into before January 1, 2009.**

(4) **The procuring of supplies necessary for construction of a capital project, if the supplies are procured or a contract for the procuring of the supplies is entered into before January 1, 2009.**

(5) **The construction of a capital project, the entering into a contract for the construction of a capital project, or the procuring of supplies necessary for the construction of a capital project, if:**

(A) **the issuance of bonds or other obligations; or**

(B) **the entering into a lease;**

to finance the capital project has been approved by the department of local government finance under IC 6-1.1-18.5-8 or IC 20-46-7 before January 1, 2009.

C
o
p
y

